



Agenda Item 2015-066
City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

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www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official *Ronald R. Jones*

DATE: May 27, 2015

SUBJECT: Recommendation of Planning & Zoning Commission-Kurt Braun;
Case File Number 2015-00129

At its regularly scheduled meeting on Tuesday, May 26, 2015, the Planning & Zoning Commission by a 5-2 vote approved the variance as petitioned by Kurt Braun located at 7870 Hilo Way. More specific information regarding the variances are noted below.

Mr. Kurt Braun filed an application requesting a variance from the Zoning Ordinance (Article 4.18.3 D ii) to allow an accessory structure to exceed the maximum floor area of 144 square feet by 52 feet. The proposed floor area of the accessory structure is 196 square feet (12' x 16').

The property address is 7870 Hilo Way. The tax parcel number is 067R-2-36-022.000. The property is located north of and adjacent to Hilo Way and east of Maui Street and west of Ewa Street.

A copy of the application and related documents are attached. If you have any questions or comments, please advise.

Attachments

AGENDA

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chamber
MAY 26, 2015
5:30 p.m.

- 1. Call to Order**
- 2. Statement of Purpose**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Confirmation or Adjustments to Agenda**
- 6. Approval of Minutes-April 28, 2015**

7. New Business-Case File Number 2015-00130

- Rudy and Dawn Letellier, owners of Pharmacy in Diamondhead, have requested wall variance from the Sign Ordinance (Article 10.5.2 C iv) to allow a wall sign of 160 square feet (40' x 4'). The current building frontage for the tenant space is 53 lineal feet. Therefore the max copy area allowed is 53 square feet. The proposed variance will exceed the max copy area of 53 sf allowed by 107 sf.

The applicants have also requested an additional wall sign in the form of a hand painted mural to be located to the right of the front entrance. The mural, as drawn, is 8' x 6' for a total copy area of 48sf.

The property address is 4405 East Aloha Drive, Suite AA next to True Value hardware store. The tax parcel number is 131E-1-13-006.002. The property is located south of and adjacent to East Aloha Drive and east of Kalani Drive. The owner of the property is Jim Grotkowski, Diamondhead Commercial Development, LLC.

Receive public comments-please state your name and property address for the record
Discussion of variance request by Commissioners

- **Case File Number 2015-00129**

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The property address is 7870 Hilo Way. The tax parcel number is 067R-2-36-022.000. The property is located north of and adjacent to Hilo Way and east of Maui Street and west of Ewa

Street.

Receive public comments-please state your name and property address for the record
Discussion of variance request by Commissioners

8. Unfinished Business

9. Open Public Comments to Non-Agenda items

10. Commissioners' Comments

11. Communication / Announcements

- **For JUNE, 2015 meeting, 1 variance application submitted. (accessory structure exceeding max floor area)**

12. Adjourn or Recess



MINUTES
PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
May 26, 2015
5:30 p.m. CST

DRAFT

1. Chairman Malley called the meeting to order at 5:30 p.m. CST.
2. Commissioner Hensley recited the Statement of Purpose.
3. Pledge of Allegiance was led by Commissioner Smith.
4. Clerk Jeannie Klein called roll- Present: Commissioners Bice, Smith, Garrison, Hensley, Bower, Malley, and Miller. Absent: None.

Also present: Building Official Ronald Jones, City Attorney Derek Cusick and Minutes Clerk Jeannie Klein.

Others present: Rudy and Dawn Letellier, B. R. Hawkins, Amy Dascher, Kurt Braun, Fred Lowe and Mayor Tommy Schafer

5. Confirmation of the Agenda

Commissioner Miller moved, seconded by Commissioner Hensley, to confirm and approve the agenda as presented.

Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

6. **Approve Minutes.** - Commissioner Hensley moved, seconded by Commissioner Miller, to approve the Minutes of April 28, 2015 as presented.

Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

7. New Business – Case File Number 2015-00130

Rudy and Dawn Letellier, owner of Pharmacy in Diamondhead, have requested a wall variance from the Sign Ordinance (Article 10.5.2 C iv) to allow a wall sign of 160 sf. (40' X 4'). The current building frontage for the tenant is 53 lf. Therefore, the max copy area allowed is 53 sf. The proposed variance will exceed the max copy area of the 53 sf. allowed by 107 sf.

The applicants have also requested an additional wall sign in the form of hand-painted mural to be located to the right of the front entrance. The mural, as drawn, is 8' X 6' for a total copy area of 48 sf.

The property address is 4405 East Aloha Drive, Suite AA next to True Value hardware store. The tax parcel number is 131E-1-13-006.002. The property is located south of and adjacent to East Aloha Drive and east of Kalani Drive. The owner of the property is Jim Grotkowski, Diamondhead Commercial Development, LLC.

Chairman Malley called for anyone present wishing to address to the Commission to come forward. B.R. Hawkins along with Rudy and Dawn Letellier were present. Presenting their case, they referenced the logo as the trademark for their existing businesses in Waveland and Bay St. Louis. As tenants at the proposed location, they have leased 5,000 sf. for the pharmacy. They requested the Commission approve the variance to allow their logo as presented based on the marketing success experienced with their pharmacies in neighboring cities. Mr. Letellier stated their business is an old-fashioned type pharmacy unlike the chain recently established here in Diamondhead.

Mayor Tommy Schafer then addressed the Commission. He reminded Commissioners the City is seeking economic development and growth and that an amicable decision should be reached in order to assist the Letelliers with establishing their business here in Diamondhead.

Commissioners, after dialog with the applicants and with no one further to comment, were advised by Counsel to proceed with its ruling of the proposed signage, less the mural to be acted upon as a secondary request. Chairman Malley then closed the matter for public comment. Commissioner Smith moved, seconded by Commissioner Miller, to approve the variance request from Sign Ordinance (Article 10.5.2 C iv) relating to Case File 2015-00130 as requested by Rudy and Dawn Letellier at property address 4405 East Aloha Drive, Suite AA, tax parcel number is 131E-1-13-006.002 thereby recommending to the City Council approval to exceed the copy area limitation of 53 sf. by 107 sf.

Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

The secondary matter requested in Case File 2015-00130, is a hand-painted mural sized 8' X 6' or total copy area of 48 sf. to be located of the right of the front entrance. Discussions were held with regard to actual size and design absent copyrights to the presented design. B.R. Hawkins explained the actual rendering would be modified as not to violate copyright but would remain within reasonable appearance of the submittal.

Commissioner Garrison moved to deny the request in the matter of proposed mural submitted through Case File 2015-00130.

MOTION DIED FOR LACK OF SECOND

Commissioner Miller moved, seconded by Commissioner Bice, to approve a variance request from Sign Ordinance (Article 10.5.2 C iv) relating to the secondary request of Rudy and Dawn Letellier submitted through Case File 2015-00130 at property address is 4405 East Aloha Drive, Suite AA, tax parcel number is 131E-1-13-006.002 thereby recommending to City Council a variance permitting an 8' X 6' or 48 sf. hand-painted mural to be located at the right of the front entrance.

Ayes: Bice, Bower, Hensley, Miller and Malley. Nays: Garrison and Smith. Absent: None.

MOTION CARRIED

New Business – Case File Number 2015-00129

Mr. Kurt Braun filed an application requesting a variance from the Zoning Ordinance (Article 4.18.3 D ii) to allow an accessory structure to exceed the maximum floor area of 144 sf. by 52 sf. The proposed floor area of the accessory structure is 196 sf. (12' X 16"). The property address is 7870 Hilo Way and the tax parcel number is 067R-2-36-022.000. The property is located north of and adjacent to Hilo Way and east of Maui Street and west of Ewa Street.

Chairman Malley called for anyone present wishing to address to the Commission to come forward. Building Official Jones informed the Commission of another letter of objection received in addition to those sent to the Commission earlier via email. He then read aloud the additional letter that which was signed by multiple adjoining property owners and made a part of the official application file. Mr. Braun then explained the proposed structure was to replace an existing connex structure and would house his lawn equipment and woodworking tools. Questions arose whether the proposed structure would be utilized for business with Mr. Braun responding that woodworking is a hobby and the building would be housed under trees.

Commissioner Hensley moved, seconded by Commissioner Smith, to approve, in view the applicant has 2 combined lots on which his home is centered eliminating the possibility of separating the lots, and under the conditions the structure will not be used for business purposes and the existing conex container shall be removed upon completion of the accessory structure, a variance from the Zoning Ordinance (Article 4.18.3 D ii) as it relates to Case File 2015-00129 submitted by Kurt Braun to allow an accessory structure to exceed the maximum floor area of 144 sf. by 52 sf. with proposed floor area of the accessory structure to be 196 sf. (12' X 16') at property address 7870 Hilo Way, tax parcel number is 067R-2-36-022.000.

Ayes: Smith, Bower, Hensley, Garrison and Malley. Nays: Miller and Bice. Absent: None.

MOTION CARRIED

8. Unfinished Business – None

9. Open Public Comments to Non-Agenda Items – None

10. Commissioner's Comments –

Commissioner Garrison questioned Building Official Jones as to the status of a variance request of the Community Church. Jones informed the Commission two variance application packets had been picked up from City Hall but as of this time none have been submitted.

11. Communications / Announcements –

Building Official Jones informed the Commission of 2 variance applications submitted to be forthcoming at the June 2015 meeting.

12. Adjourn - Commissioner Miller moved, seconded by Commissioner Bice, to adjourn at approximately 6:25 p.m. CST. The motion carried unanimously.

David Malley, Chairman
Planning & Zoning
City of Diamondhead, MS

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

APPLICATION FOR VARIANCE REQUEST

RECEIVED
APR 15 2015
BY: _____

CASE NO. 2015 00129

DATE _____

APPLICANT: KURT BRAUN

APPLICANT'S ADDRESS: 7870 HILO WAY

APPLICANT'S TELEPHONE: (HOME) 228-238-1715 (WORK) _____

PROPERTY OWNER: SAME

MAILING ADDRESS: SAME

TELEPHONE NUMBER: (HOME) 228-238-1715 (WORK) _____

TAX ROLL PARCEL NUMBER: 067R-2-36-022-000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: 50 & 51 BLK F DIAMONDHEAD PH 2
7870 HILO WAY

STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING
COVERAGE) (SIGNAGE - SIZE - HEIGHT) LARGER THAN TITE 144'

12' x 16' 196' 12' x 16'

ZONING DISTRICT Residential

REQUIRED ITEMS:

A:

1. The special conditions do not affect any other structure or land surrounding the proposed structure.
2. The literal interpretation of the zoning ordinance would not provide the applicant adequate space to practice his hobby (hobbies). Other owners could apply for the same variances. I have recently retired and I am an architect by trade and an avid woodworker and sculptor. The proposed variance would provide me the space to house my tools of the trade, plus space to enjoy these activities. It also would give me space to be productive in my retirement years and further my skills in the art of woodworking and sculpting. As an added bonus, it gives me a space to house my lawn and garden equipment, which now is housed in the garage. It is not a good practice to house gas and the lawn equipment in living spaces and the storage would provide a safer living environment for the applicant as well as neighbors.
3. The special conditions of 144 square feet are not caused by the applicant, thus the request to increase the size from 144 square feet to 198 square feet. I have a fenced double lot with many large trees, which provides a suitable back drop for the structure I intend to construct. This lot provides ample space for the proposed activities and would not encroach on any adjacent property owners. The location for the structure is such that it is in a most advantageous spot on the property.
4. All other adjacent property owners (within their own constraints) have the same rights and responsibilities as the applicant and does not give the applicant any special rights or privileges.

B. Address of surrounding properties.

1. William P. Jaudon
7866 Hilo Way
Diamondhead, MS 39525
2. Richard E Fass
784 Maui Circle
Diamondhead, MS 39525
3. Robert S. Higginbotham
782 Maui Circle
Diamondhead, MS 39525
4. Robert W. Patterson
780 Maui Circle
Diamondhead, MS 39525
5. Wayne Korpi
7872 Maui Street
Diamondhead, MS 39525

- C.**
1. See attached plans
 2. None
 3. None
 4. None
 5. Additional information available
 6. Fee requested attached

- D.** See attached fee request of \$100.00

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

The application fee of ^{100.00}~~\$500.00~~ must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designated representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

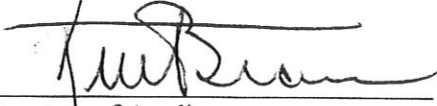
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on MAY 26 at 530 p.m. in the Council Chambers of the Diamondhead City Hall.

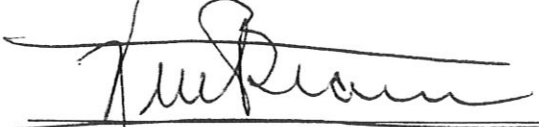
If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.

*Submission
deadline
April 17*



Signature of Applicant



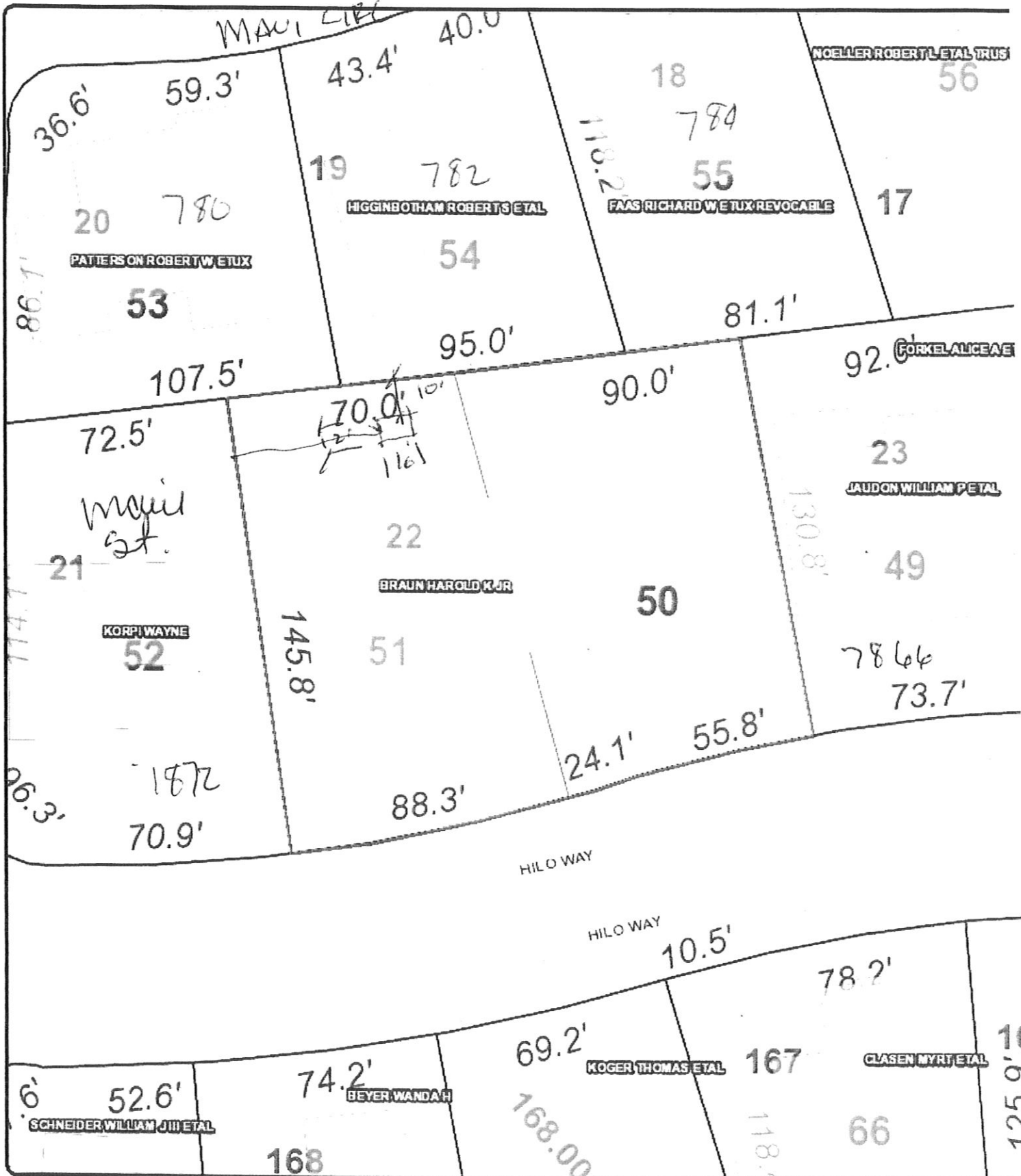
Signature of Property Owner

For Official Use Only

- ^{100.00}
☐ ~~\$500.00~~
☐ Copy of Deed, Lease or Contract
☐ Site Plan
☐ Parking Spaces
☐ List of Property Owners

- ☐ Application Signed
☐ Written Project Description
☐ Drainage Plan NA ()
☐ Notarized Statement NA ()

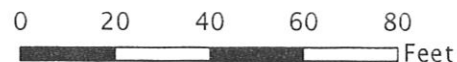
Geoportal Map



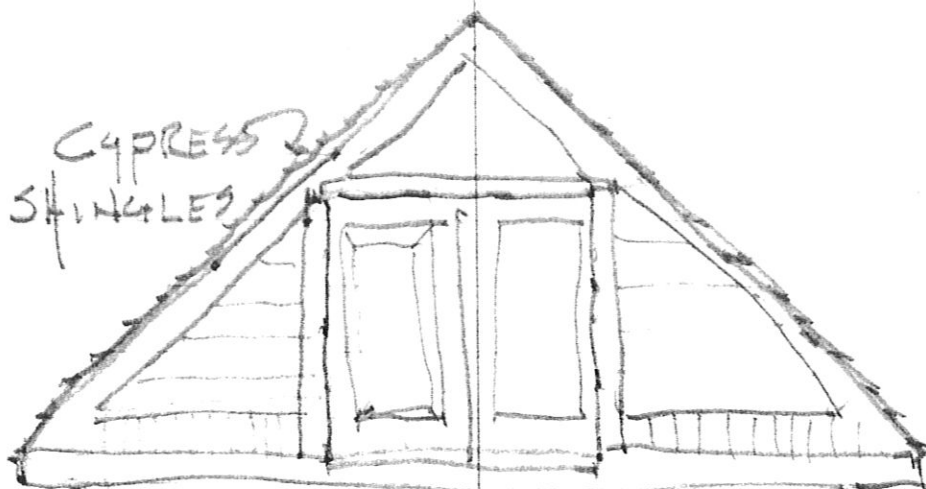
DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.

March 25, 2015

1 inch = 39 feet



CYPRESS
SHINGLES

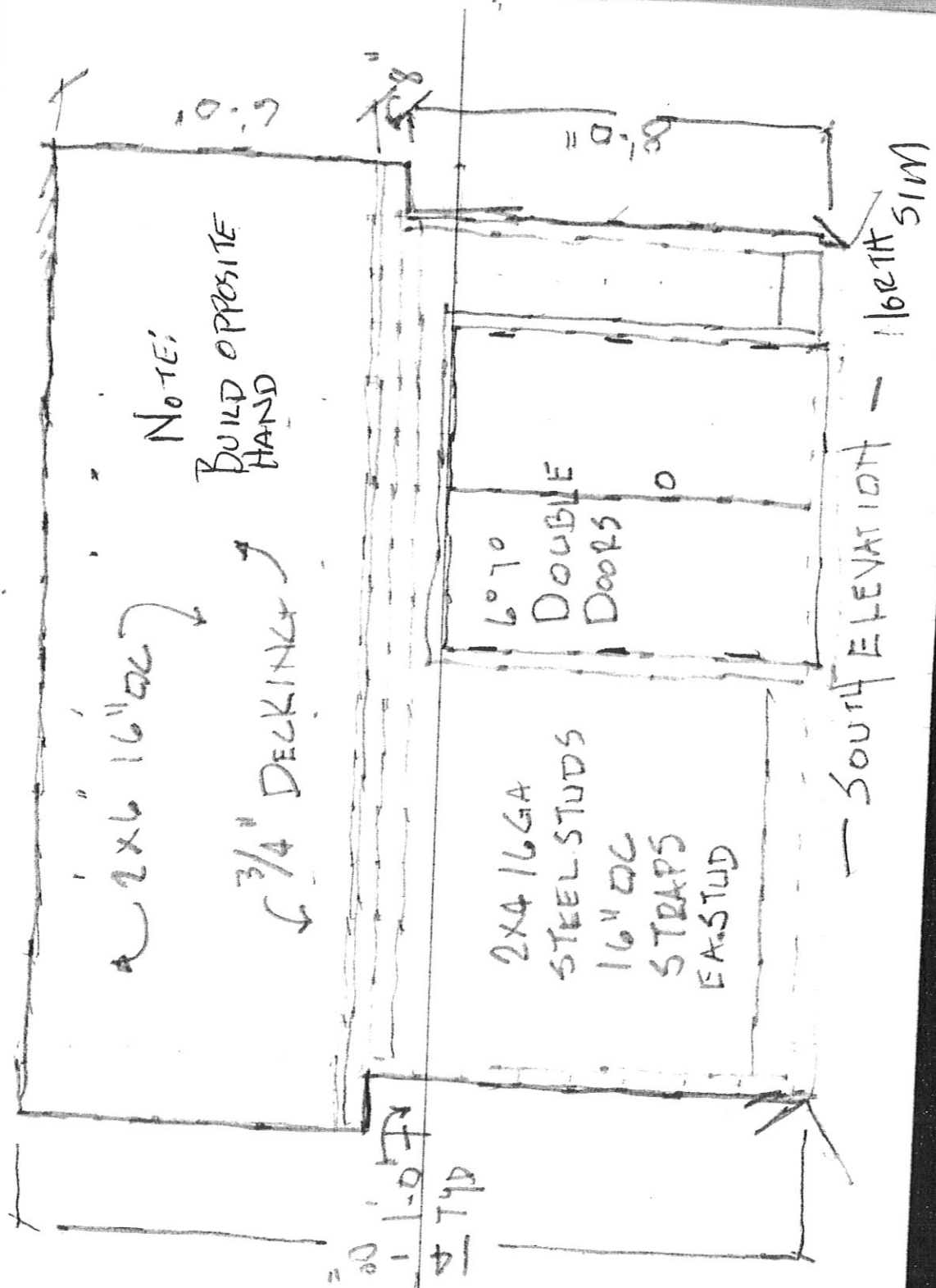


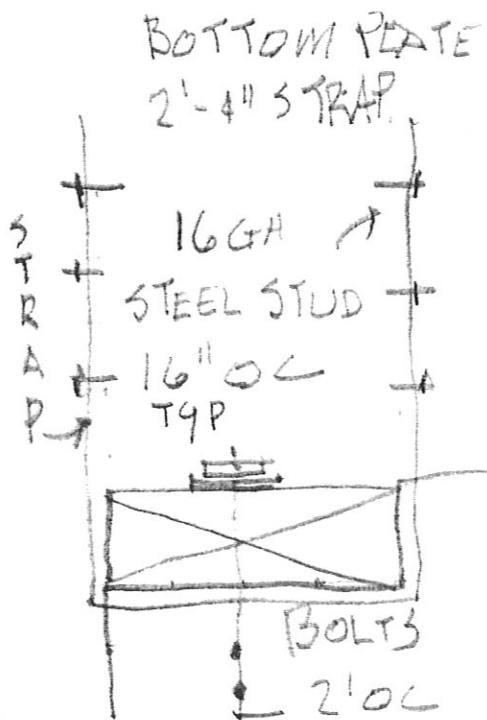
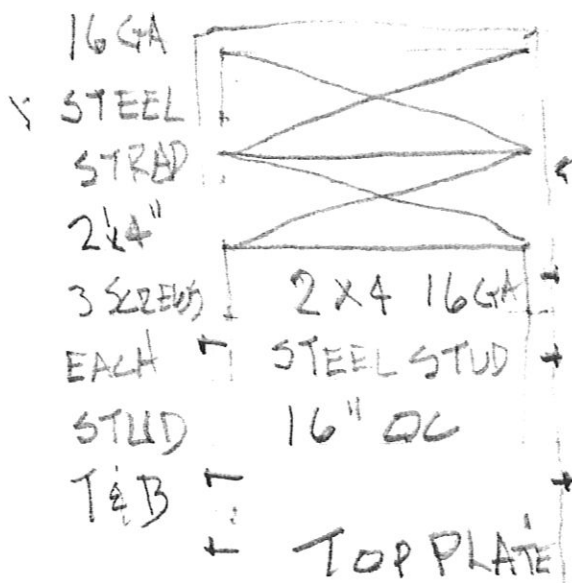
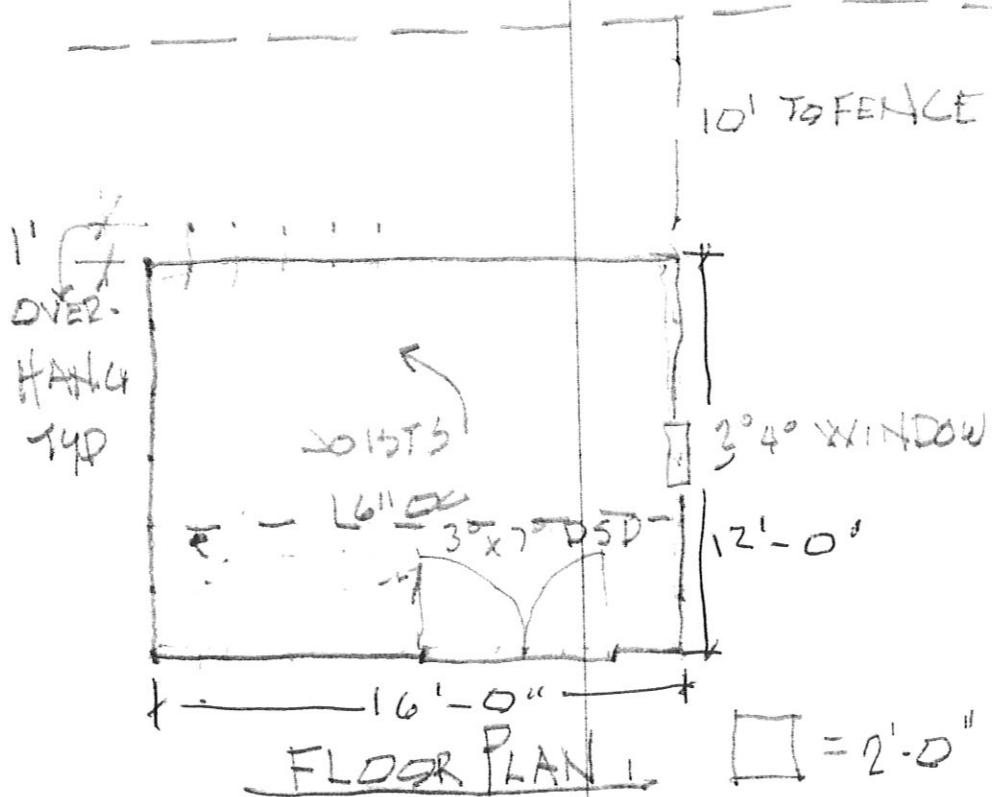
CYPRESS
SIDING 30" 40" DH
WINDOW

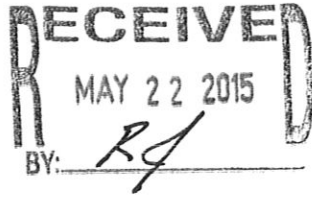


5/4 X 12 BARGE BOARD

- EAST ELEVATION -
WEST SIM







5-22-15

RE: Variance Request @ 7870 Hills Way

We do not want a structure of
that size across the street.

Are you kidding? We do not
want to see something of that size.
Also, hearing the noise from this
"workshop" is not why we live here.

Drilling? Saws? This is a business
type structure - We are not allowed
a wrought iron fence and a neighbor
can "set up shop"? No!

Cindy Mary 7826 Maine Place
850-377-6727 _____

May 26, 2015

To Whom It May Concern:

In regard to the request for approval of the permanent structure to be build on the property of Mr Kurt Braun at 7870 Hilo Way, I would like to express a few concerns. After gathering more information about the size, usage and location of the structure we have the following concerns:

- The location of the structure is to be directly behind his home only 10 feet from the property line. *It is my understanding that the standard for permanent structure in Diamondhead is no closer than 20 feet from the property line.* A building of that size, that close to the property line will be in direct view of the home behind it and in my opinion decrease the property value and esthetics of the backyard and sunroom area. The measurements as stated in the letter, makes this a very large building, not a simple storage shed.
- Usage of the Structure & Noise: *If the building is used for a workshop with power tools in use,* the close proximity to the property line and location on the property means that it will be close to bedrooms and screened in sunrooms of the neighbors directly behind Mr Braun. With two lots, there maybe room for such a structure in other areas of his property that might not be as offensive.

While we feel Mr Braun should have the right to build on his property, we ask that he do so in accordance with the standards that maintains the ambience and esthetics that Diamondhead is known for. At this time, without modification to location and size, we request that the application be denied. Thank you for the opportunity to express our concerns.

Paula Heard, Robert Higginbotham, Mrs. D Faas

Paula Heard

RSH

Dolores Faas

Cindy Nagy
Dorothy Sewell